

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA**

United States of America,

Plaintiff,

v.

Devonte Okeith Mathis,

Defendant.

No. CR-21-02714-001-TUC-RM (MSA)

**MAGISTRATE JUDGE'S FINDINGS
AND RECOMMENDATION UPON A
PLEA OF GUILTY**

Upon Defendant's request to enter a plea of guilty pursuant to Rule 11 of the Federal Rules of Criminal Procedure, this matter was referred to the Magistrate Judge by the District Court, with the consents of the Defendant, counsel for the Defendant, and counsel for the United States. Defendant indicated defense counsel is authorized to sign the plea agreement on their behalf after reviewing it in its entirety with counsel.

Thereafter, the matter came on for a hearing on Defendant's plea of guilty to Count 1 of the Information which charges Title 21, U.S.C. §846, §841(a)(1) and (b)(1)(D), Conspiracy to Possess with Intent to Distribute Marijuana and Count 2 of the Information which charges Title 18, U.S.C. §924(c)(1)(A) and 2, Using and Carrying a Firearm During and in Relation to a Drug Trafficking Crime, and Possession of a Firearm in Furtherance of a Drug Trafficking Crime, Aid and Abet and Forfeiture Allegation in full compliance with Rule 11, Federal Rules of Criminal Procedure, before the Magistrate Judge, in open court and on the record.

In consideration of that hearing and the allocution made by the Defendant under

1 oath on the record and in the presence of counsel, and the remarks of the Assistant United
2 States Attorney,

3 (A) I FIND as follows:

- 4 (1) that Defendant is competent to plead;
- 5 (2) that Defendant understands his/her right to trial;
- 6 (3) that Defendant understands what the minimum mandatory and maximum
7 possible sentence is, including the effect of the supervised release term, and
8 defendant understands that the sentencing guidelines apply and that the
9 court may depart from those guidelines under some circumstances;
- 10 (4) that the plea of guilty by the Defendant has been knowingly and voluntarily
11 made and is not the result of force or threats or of promises apart from the
12 agreement between the parties;
- 13 (5) that Defendant understands the nature of the charge against him/her;
- 14 (6) that Defendant understands that his/her answers may later be used against
15 him/her in a prosecution for perjury or false statement; and
- 16 (7) that there is a factual basis for the Defendant's plea;
- 17 (8) that the defendant knowingly, intelligently and voluntarily waived his/her
18 right to appeal or collaterally attack his/her conviction and any sentence
19 imposed if it is within the range permitted by the plea agreement;

20 and further,

21 (B) I RECOMMEND that the District Court accept the Defendant's plea of guilty to
22 Count 1 of the Information which charges Title 21, U.S.C. §846, §841(a)(1) and
23 (b)(1)(D), Conspiracy to Possess with Intent to Distribute Marijuana Count 2 of the
24 Information which charges Title 18, U.S.C. §924(c)(1)(A) and 2, Using and Carrying a
25 Firearm During and in Relation to a Drug Trafficking Crime, and Possession of a Firearm
26 in Furtherance of a Drug Trafficking Crime, Aid and Abet and Forfeiture Allegation.

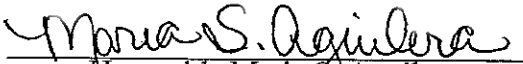
27 (C) The parties have fourteen (14) days from the date of service of this Report and
28 Recommendation to file written objections with the District Court.

1 IT IS FURTHER ORDERED:

2 (D) Presentence Report to be prepared.

- 3 (1) Any objection(s) to the presentence report shall be filed no later than 14
4 days after receiving the presentence report pursuant to Fed.R. Crim.P. 32
5 (f) (1);
- 6 (2) any response to the objection(s) to the presentence report shall be filed no
7 later than 11 days after receiving the objection(s);
- 8 (3) any sentencing memorandum shall be filed no later than 5 business days
9 prior to sentencing;
- 10 (4) Any party seeking to continue a sentencing date shall file a Motion to
11 Continue no later than two (2) business days prior to the date of the
12 hearing. Additionally, counsel shall telephonically notify chambers when
13 sentencing is within two (2) business days;
- 14 (5) failure to comply with this Order may result in the imposition of sanctions.

15
16 Dated this 15th day of March, 2023.

17
18 
19 Honorable Maria S. Aguilera
20 United States Magistrate Judge
21
22
23
24
25
26
27
28